



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,003	08/01/2001	Mark Killmer	25720-702	5843

21971 7590 04/18/2006

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,003

Applicant(s)

KILLMER, MARK

Examiner

Nabil M. El-Hady

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

1. Claims 1-33 are pending in this application. Claims 1-14 are presented for examination. Claims 15-33 are withdrawn.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (US 6,721,713), hereinafter "Guheen".

4. As to claim 1, Guheen discloses in Fig. 23C a computer program product including means for comparing (comparing products/services) a URL, title and/or content of an online site viewed by a user with a first index of keywords relating to a plurality of subject matter categories, to determine any subject matter categories to 'which the online site relates', means for cross-referencing any determined subject matter categories with a second index of alternative online sites categorized by subject matter, in order to determine any alternative online site in the same or similar category; and means for displaying any determined alternative online sites to the user (See col. 170, lines 30-66; col. 178, lines 20-36 ; col. 187, lines 1-65).

5. As to claims 5, 10, Guheen discloses a method of comparative advertising in an online environment including the steps of analyzing an online site viewed by a user to identify products or subject matter advertised on the site; displaying to the user information relating to competing products or subject matter on alternative online sites (See col. 170, lines 56-65).

6. As to claim 2, Guheen discloses a first and second indexes are contained in a database remote from the computer program product (See Fig. 3).

7. As to claims 3-4, 6-7, Guheen discloses means for determining a geographic locality relating to the user; and means for determining any alternative sites in the same or proximate geographical locality to that relating to the user, so that the displaying means displays any of the determined alternative sites in the same or a similar subject matter category, that are also in the same or proximate geographical locality; and the step of determining a geographical locality relating to the user and only displaying alternative sites in the same or a proximate geographical locality wherein the geographical locality relating to the user is determined by analyzing the user's electronic address and/or the address of the online site viewed by the user (See col. 174, lines 621 67- col. 175, lines 1-', Fig. 10).

8. As to claims 8-9, 11-12 Guheen discloses the information displayed to the user includes hyperlinks to the alternative online site considered as a link to related data) (See col. 170, lines 56-66) : and discloses the analysis step is performed by analyzing the URL, title and/or content of the online site (See col. 177, lines 21-66., col. 180, lines 20-42).

9. As to claims 13-14, Guheen discloses the displayed information includes a price of the competing products; and including the steps of determining whether the competing product price is less than the price of the identified product on the online site viewed by the user, and if less, displaying the competing product price to the user; or if not less, ascertaining a best price

Art Unit: 2152

relating to the competing product and displaying the best price to the user or a value in-between (See Fig. 66; col. 170, lines 44-64).

10. Applicant's arguments filed 1/31/2006 have been fully considered but they are not persuasive. The rejection of claims 1-14 is maintained.

11. In the remarks, applicants argued in substance that Guheen does not teach alternative online site. Examiner respectfully traverses applicants' remarks.

12. Examiner asserts that Guheen in col. 170, lines 56-61, teaches that the data relating to at least one of the products and services may include a link to related data, and the comparison between different products and services could include a comparison to a competitor's product. Guheen also teaches in col. 205, lines 65-66 that links to web pages may be selected to access related sites. This clearly shows that Guheen teaches links to other related products / pages that may be located on other online site.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2152


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 14, 2006


Nabil El-Hady, Ph.D., M.B.A.
Primary Examiner
Art Unit 2152